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Lexington, MA 02421
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HOUSTON ELISEEVA

Fax

To: Office of Petitions (*Commissioner of Patents*) From: Maria M. Eliseeva

Fax: 703-308-6916 703-305-8825 Pages: (including cover sheet) 20

Phone: 703-308-6918 Date: 5/5/2003

Re: 23091/8 CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

Application Serial No: 10/037,971
Filed: October 24, 2001

Enclosed please find:

- Petition for Three Month Extension of Time
- Credit Card Authorization Form
- Petition Under Rule 37 CFR 1.47 and Petition for Reconsideration

Dear Sir:

The fax number at the office of Petitions has not been able to accept this transmission for more than 2 hours. As a courtesy, please forward this transmission to Douglas Woods at the office of Petitions.

Thank you!

Maria Eliseeva
Ref. No. 43,328

#11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**APPLICANT(S):** Steinberg et al.**EXAMINER :** Unknown**GROUP ART UNIT :** 2874**SERIAL NO:** 10/037,971**CONFIRMATION NO:** 7497**FILED:** 24 October, 2001**TITLE:** FIBER ARRAY WITH V-GROOVE CHIP AND MOUNT**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted on the date shown below at the number ~~703-308-6916~~ ^{703-305-8825 A.S. 5-5-03}, addressed to the: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 5, 2003.

By: Maria Eliseeva

Maria Eliseeva

³⁰⁵⁻⁸⁸²⁵
VIA FACSIMILE 703-~~308-6916~~

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER RULE 37 CFR 1.47 AND REQUEST FOR
RECONSIDERATION**

The below signed attorney for the applicants sets forth the following facts to support the filing of the above-referenced application without the signature of one of the inventors, Dr. Robert G. Schinazi, on the declaration. This petition is being submitted together with a response to the Decision Refusing Status Under 37 CFR 1.47(a) mailed December 4, 2002.

To the best of my information and belief, the following are the pertinent material facts:

1. Robert G. Schinazi is one of the four inventors listed in the application.

2. At the time the invention was made Dr. Schinazi worked as a contractor at Halcos Inc. in Blacksburg, Virginia. Halcos Inc. later filed for bankruptcy and was acquired by Shipley Company, L.L.C., the assignee of the present application.
3. On November 18, 2002, I sent to Dr. Schinazi by e-mail a copy of the application and the declaration and assignment forms for his signature. A copy of the November 18, 2002 communication is attached to this petition.
4. On the same day, November 18, 2002, I communicated with Dr. Schinazi by telephone, explaining to him what the documents were and their significance. Dr. Schinazi said on the phone that he should be the first listed inventor on the declaration, and not the fourth, as originally listed.
5. My assistant, Deborah Celeste, retyped the declaration listing Dr. Schinazi as the first inventor, accidentally omitting the last page of the declaration with the other three inventors. This was a clerical error, following Dr. Schinazi's request to be the first listed inventor, and not the fourth. Based on my discussion with Dr. Schinazi on the phone, I believe that he had a clear belief that he is a co-inventor together with three other named inventors on this application.
6. I spoke again with Dr. Schinazi on the same day, November 18, 2002, after he received the retyped declaration and had a chance to review the documents with his lawyer, Lauren Wagner. At the time of the call, Dr. Schinazi was at his lawyer's office. Dr. Schinazi signed the declaration and assignment and faxed them back to my office.
7. The Declaration executed by Dr. Schinazi was filed with the Petitions Division of the US PTO the same day, November 18, 2002.
8. The Office of Petitions refused status under Rule 1.47(a) on December 4, 2002, stating that the Declaration executed by Dr. Schinazi lists him as a sole inventor.
9. Requests were made on January 27 and February 3, 2003, by e-mail to Dr. Schinazi to execute a revised declaration listing all four inventors (copies of e-mails attached). A copy of the revised declaration with a detailed explanation was sent to Dr. Schinazi on April 2, 2003 (copy of e-mail attached). I spoke with Dr. Schinazi on the phone the same day, explaining to him the nature of the clerical problem with the November 18, 2002 declaration, and asking him to execute the revised declaration. I offered to forward to Dr. Schinazi another copy of the application, if he didn't keep the copy received from us on November 18, 2002, when he signed the original declaration. Dr. Schinazi expressly refused to sign the revised declaration, communicating his refusal by telephone and e-mail, a copy of which e-mail is attached to this petition (copy of e-mail attached).
10. Jonathan Baskin, in-house patent counsel at Shipley Company, L.L.C., forwarded to Dr. Schinazi by e-mail on April 24, 2003, a further copy of the present

application and declaration for execution (copy of e-mail attached), but received no response.

11. While Dr. Schinazi was well aware that he was one of the four joint inventors on the above-referenced application, he refused to execute a revised declaration. Shipley Company, the assignee of the present application, will be irreparably damaged by the loss of benefit of the application due to Dr. Schinazi's refusal to sign a new declaration.

The below signed attorney also requests that the Patent Office reconsiders its finding that the declaration signed by joint inventor Steinberg is defective in that it contains non-initialed and/or non-dated alterations. The below signed attorney asserts the following:

1. 37 CFR 1.52(c)(1) states:

(c)(1) Any interlineation, erasure, cancellation or other alteration of the application papers filed must be made before the signing of any accompanying oath or declaration pursuant to § 1.63 referring to those application papers and should be dated and initialed or signed by the applicant on the same sheet of paper. Application papers containing alterations made after the signing of an oath or declaration referring to those application papers must be supported by a supplemental oath or declaration under § 1.67. In either situation, a substitute specification (§ 1.125) is required if the application papers do not comply with paragraphs (a) and (b) of this section.

2. 37 CFR 1.52(c) pertains to the alteration of the application papers other than the accompanying oath or declaration, since that rule references the application papers separately from the accompanying oath or declaration. In the present case, no application papers were altered after Mr. Steinberg had signed the declaration.
3. Moreover, according to MPEP 602.01, an oath or declaration is defective if it has been altered in any manner after it has been signed, and a new declaration is required if the wording of the declaration is incorrect, or the required affirmations have not been made or if the declaration had not been properly subscribed to.
4. Also, MPEP 602.05 states that bibliographic data under 37 CFR 1.76(a) includes: (1) applicant information; (2) correspondence information; (3) application information; (4) representative information; (5) domestic priority information; (6) foreign priority information; and (7) assignee information. The naming of the inventors and the setting forth of the citizenship of each inventor must be provided in the oath or declaration under 37 CFR 1.63 (as is required by 35 U.S.C. 115) even if this information is provided in the application data sheet. All the information required for a valid declaration under 37 CFR 1.63 was correctly provided in the declaration signed by Mr. Steinberg and has not been altered.

5. Mr. Steinberg was forwarded a number of declarations with a cover letter providing a link to the URL of a secure web server providing the copies (images) of all corresponding applications. Mr. Steinberg was also provided with a pre-paid return FedEx envelope for shipping all executed declarations back to us. It is believed that Mr. Steinberg signed the declaration and made a change to what he thought should be the correct listing order of the inventors on the declaration during the time he was signing the declaration. Later the executed declarations were received from Mr. Steinberg, including the declaration for the above-referenced application, in the provided pre-paid FedEx envelope.
6. Moreover, as stated in the decision refusing status of December 4, 2002, the particular order in which the names of joint inventors appear is of no consequence insofar as the legal rights of the joint applications are concerned. No relevant information as specified in 37 CFR 1.63 was altered by Mr. Steinberg on the declaration. His thoughts regarding the appropriate listing order of the joint inventors do not render the declaration defective within the meaning of MPEP 602.01, 602.05 and 37 CFR 1.63. It is respectfully requested that the objection to the declaration of Mr. Steinberg be withdrawn.

If any additional information is required in connection with this petition and request for reconsideration, please contact the undersigned.

Respectfully submitted by:



Date: May 5, 2003

Maria Eliseeva, Reg. No. 43,328
Houston Eliseeva
4 Militia Drive, Suite 4
Lexington, MA 02421
Phone: 781-863-9991
Fax: 781-863-9991

Maria Eliseeva

From: JBaskin@shipley.com
S nt: Monday, May 05, 2003 6:24 PM
To: maria@patentbar.com
Subject: Fiber Array with V-Groove Chip and Mount patent application



ACT-141
application.pdf (833 K)



Declaration.pdf
(182 KB)

----- Forwarded by Jonathan Baskin/NAmerica/Shipley on 05/05/2003 06:23 PM

Jonathan
Baskin/NAmerica/S
hipley

To

04/24/2003 11:01
AM

rob@rhodeflux.com

cc

Subject
Fiber Array with V-Groove Chip and
Mount patent application

Dear Dr. Schinazi:

I am Shipley's in-house patent attorney with responsibility for overseeing the Haleos patent docket.

I understand from Shipley's outside attorney, Maria Eliseeva of Brown Rudnick, that she recently forwarded to you for signature a Declaration form stating that you are a co-inventor of the application entitled Fiber Array with V-Groove Chip and Mount (U.S. Application No. 10/037,971), filed October 24, 2001, in which you are a named inventor. I also understand from Ms. Eliseeva that you refused to execute that document. As explained to you by Ms. Eliseeva in her e-mail to you of April 2, 2003, the Declaration you previously executed on November 18, 2002, was rejected by the U.S. Patent and Trademark Office due to a clerical error. This error was unfortunate, but we have no choice other than to request that you execute a new Declaration.

A copy of the Declaration as well as a copy of the as-filed application are attached for your review. Please review the documents and, if all is in order, kindly sign and date the Declaration in the blocks on page 4 immediately below your typewritten name. In exchange for your services (which we estimate at no more than one hour), we will forward to you payment of \$1200, your fee for one full day of consulting. Please let me know by return e-mail if you would be willing to sign the Declaration. If so, I will forward via

Federal Express your payment together with a return Federal Express Envelope. We would only ask that you send all five pages of the executed Declaration to us via facsimile and send the original Declaration and application to us in the return Federal Express envelope by April 30, 2003.

Thank you for your time. Please let me know if you have any questions at all concerning any of the above. I look forward to hearing from you.

(See attached file: ACT-141 Application.pdf) (See attached file: Declaration.pdf)

Jonathan D. Baskin
Senior Patent Attorney

Shipley Company, L.L.C.
455 Forest Street
Marlborough, MA 01752

jbaskin@shipley.com
Tel: (508) 787-4766
Fax: (508) 787-4730

Maria Eliseeva

From: Eliseeva, Maria M. [meliseeva@brbilaw.com]
Sent: Monday, May 05, 2003 5:18 PM
To: maria@patentbar.com
Subj ct: FW: Thank you for your help yesterday - Maria Eliseeva again

-----Original Message-----

From: Robert G Schinazi, Ph.D.
To: Eliseeva, Maria M.
Sent: 4/4/2003 11:18 AM
Subject: RE: Thank you for your help yesterday - Maria Eliseeva again

It now will cost 21K.

Shipley is in breach of contract. I sold my rights to Shipley for the VP list. I never received the VP list. Any assignment I may have made is void, and will be contested should there ever be a financial gain to do so.

I do not want a VP list at this time as Shipley continues to demonstrate they are not trustworthy, and I no longer wish to have any dealing with Shipley.

I'm not being paid. I'm not doing anything.

-----Original Message-----

From: Eliseeva, Maria M. [SMTP:meliseeva@brbilaw.com]
Sent: Thursday, April 03, 2003 7:45 AM
To: rob@rhodflux.com
Subject: RE: Thank you for your help yesterday - Maria Eliseeva again

Dear Rob,

I am sorry you feel that way. I said nothing about assignments, I am not dealing with assignments. You have already signed it for my case, and there is no problem with it. I wish you read my e-mail and saw what it said. Honestly.

What I wrote to you about is an inventor's declaration, it says that you are one of the inventors. I presume this is true. It has nothing to do with who has the rights to the invention, it only confirms your status as one of the inventors, that's all. Nobody ever suggested you sign anything without reading, this is why I attached both documents to my two e-mails of yesterday and asked you to look at them.

On the subject of a mailing list of VPs, I was not a party to whatever conversations you had before, but just out of curiosity, why do you need anybody for that at all? I am a patent lawyer, not corporate or anything, but with all due respect, all names and addresses of all directors and executives of any publicly traded company in this country are on the Securities and Exchange Commission's web site. <http://edgar.sec.gov/edgar/searchedgar/companysearch.html> All annual reports filed by the companies are public records and they are there on the Internet, you just plug in the name of the company you are interested in, click on the latest annual report and do "file-find" for the term "president" or "vice president", and all the names and contact info are there. I just tried it, plugged in the name of the first company I could think of, and I had the name/address in a minute. There are text files that are searchable. Will this info help you in your marketing efforts? Is it something you can count as my help to you? Would you please help me with my paper work now?

On a rational (not emotional) basis, think about the reality. This patent application will proceed with or without your resigning the inventor's declaration. There is a procedure in the Patent Office that is called hostile "non-signing inventor", and I will have to go through the paperwork for it in your case and you will not hear from me again, if this is what you want. Again, I am an intermediary here, and will do what the patent rules require me to do. As I wrote, an inventor's declaration can't take more than 15 minutes, so why do you ask for your daily fee, which is simply unrealistic? If you look at two documents I attached to my e-mail of yesterday, could you please tell me how much time it took you?

I do appreciate your time. Thanks and best regards,

Maria Eliseeva
Brown Rudnick Berlack Israels LLP
One Financial Center
Boston, MA 02111 USA
phone: 617-856-8340
fax: 617-856-8201
mobile: 617-794-0999
www.patentbar.com

-----Original Message-----

From: Robert G Schinazi, Ph.D. [mailto:rob@rhodeflux.com]
Sent: Thursday, April 03, 2003 9:18 AM
To: Eliseeva, Maria M.
Subject: RE: Thank you for your help yesterday - Maria Eliseeva again

Dear Eliseeva,

We have a problem here. Let me make this clear. I am not holding Shipley or you responsible for the past actions of Haleos/ACT. I am holding Shipley and you responsible for the unprofessional conduct of Shipley. My first encounter with Shipley was with Darryl Frickey who threatened me with US Marshals should I not make the assignment. The assignment is for an invention for which I have received neither a purchase order nor payment. This goes to show that Mr. Frickey did not do his homework, and in lieu of preparation, he resorted to coercion.

At the time, I tried to give you guys the benefit of the doubt. I made an agreement with Mr. Frickey to get a list of VP's for distributing some of my advertising to recoup my losses for the unpaid invention. In short, the deal was a mailing list of VPs for the assignment. I, in good faith, filled out the paperwork as instructed. What I received from Mr. Frickey was a list of engineers, half of whom I already knew from Haleos, none of which were VPs. I did communicate this to him by email, but my concerns

were dismissed.

A short while ago, I got another email from Shipley saying that I hadn't made the assignment, which we now know to be an untrue statement. Then,

when it was acknowledged that I did do the assignment, but that it was lost. Now Shipley tells me that the patent office rejected the paperwork. None of which is my responsibility or my problem. So, I offered to redo the work for my standard engineering fee of \$1200/day to which Shipley has condescended to offer me 1/5 of my standard fee. Now, I have you who works for a law office recommending I sign documents without reading them or having them reviewed. In addition, the last communication I had with Shipley regarding this very same issue was on March 3. No one replied to my email until the 2nd of April right before the supposed deadline.

This is where I am. Shipley is in breach of contract. Shipley has demonstrated

that they are untrustworthy by being untruthful about the status of the assignment. They have been disrespectful by valuing my time so poorly. They have been absolutely obnoxious about calling here at the last moment and expecting me to drop everything to do free work for them.

I am done. I want nothing to do with Shipley. An organization that is that unprofessional is nothing to be associated with. If they want the assignment at this point, they can do what everyone else does, pay me my

\$20k inventor fee. I will send the assignment COD, because Shipley now has a history of not fulfilling its obligations to an agreement.

This is not negotiable; and every time Shipley wastes my time, the price

goes up. Each phone call or email from Shipley tacks on \$1k. The only thing I want back is either 1.) Thank you, no, Dr. Schinazi. We are no longer interested in this invention or 2.) Thank you for your time, Dr. Schinazi. Please send the assignment to the following address. Your check is waiting.

It is disappointing that this situation has devolved to this point. I do feel that I have tried to do everything in good faith, but I simply cannot afford to waste more time on this issue. For crying out loud, you are patenting my proposal. My work has been stolen and I am being harassed.

If you were led to believe that this invention was the property of Haleos, I suggest you take it up with whoever was responsible for selling you something that never belonged to them in the first place.

Best regards,

Robert G. Schinazi, Ph.D.

-----Original Message-----

From: Elisceva, Maria M. [SMTP:meliseeva@brbilaw.com]

Sent: Wednesday, April 02, 2003 4:10 PM

To: rob@rhodflux.com

Subject: Thank you for your help yesterday - Maria Elisceva again

Dear Rob,

Thanks for your time on the phone. I understand you are busy, and this is a good thing, I believe.

I heard a lot of things about Haleos from the former employees, since I deal with them on patent matters. I understand the feelings, but please understand that I was not a part of Haleos and please don't feel toward me what you feel toward Haleos.

I am grateful that you were willing to look at the declaration again. The thing is, I need resigned declaration on Friday because of the deadline, Monday will be too late for me. With all honesty, it is the exact same thing you signed in November, it says the same thing, it means the same. It means that you are one of the inventors of what is in the application. In the US applications are filed in the name of true inventors, so the Patent Office wants to have a paper from the inventor saying it is indeed his or her invention. I have no intention of depriving you of making your living. If anything, patent firms hire technology specialists like you to serve as experts in various cases, which doesn't sound like depriving. But it can't take you any longer than 15 minutes to put your signature on the same document. Could you please do it for me by Friday? Shipley will pay you \$250 for this activity to compensate you for the repeat bother, I just spoke with in-house counsel there. I don't think Shipley will pay anything after Friday. Patent practitioners, including patent people at Shipley, know that an inventor's declaration can't take more than 15 minutes, it is truly so, and this is what I am sending you.

I don't know what paperwork you were dealing with back when it took you three days to get through it, but it wasn't from me. I suspect it was a master assignment or something dealing with many matters, and I am not handling anything of that kind. I deal with only *one* application where you are an inventor, and the inventor's declarations are rarely longer than 2-3 pages.

I will be very grateful if you could send me your signature by Friday and spare me from further problems with the Patent Office. Please.

Thanks again,

Maria Eliseeva
Brown Rudnick Berlack Israels LLP
One Financial Center
Boston, MA 02111 USA
phone: 617-856-8340
fax: 617-856-8201
mobile: 617-794-0999
<http://www.patentbar.com>

-----Original Message-----

From: Eliseeva, Maria M.
Sent: Wednesday, April 02, 2003 4:03 PM
To: 'rob@rhodflux.com'
Subject: FW: Thank you for your help yesterday - Maria Eliseeva again

Dear Rob,

I guess I have to start with an apology that I am bothering you again. I *really* wish I didn't have to "reappear" with the same patent application that I hoped would be all done back in November. I know you don't have to deal with me again, but I would be very grateful if you do.

Let me tell you why I am contacting you again. Back in November, when we dealt with the formal papers for the patent application where you are one of the inventors, a declaration had to be signed by all inventors. You signed it back then, thanks again for that. Other inventors also signed, I shipped the papers to the Patent Office and it seems to be all fine. It turned out that the declaration you signed omitted the very last page, it just got cut off, it was an oversight. The last page should have had the names of your co-inventors. The Patent Office requires me to resubmit the same declaration you already signed, but listing all your co-inventors in addition to your name. There is a rule about this thing, and the fact that the last page of what I sent to you in November got cut off made this problem jump at me now. I can't avoid doing what the Patent Office wants me to do, and I am very sorry I have to bother you again with the same document you have already signed for me. It is now my problem and nobody else's, and I will appreciate a lot if you could simply resign the declaration. There is no trick or anything in what I am telling you here. It is simply that the Patent Office puts me in a pickle because the names of your 3 coinventors were cut off in the declaration you signed in November, that's all.

I am attaching to this e-mail the document you kindly signed for me in November, so that you can see what it was. I also attach to this e-mail the same declaration, but listing you *and* your co-inventors. It is the same document, as you can see. PLEASE, sign it and send it back to ASAP. My fax number is below. If it is more convenient for you to scan in the signed document and e-mail it back to me, that will be just fine. I will appreciate it greatly, for it is really me who needs to correct the problem now.

Thanks in advance and kindest wishes.

Maria Eliseeva
Brown Rudnick Berlack Israels LLP
One Financial Center
Boston, MA 02111 USA
phone: 617-856-8340
fax: 617-856-8201
mobile: 617-794-0999
www.patentbar.com

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This footnote also confirms that this email message has been swept by MAILsweeper to enhance content security. www.mimesweeper.com.

Maria Eliseeva

From: Eliseeva, Maria M. [meliseeva@brbilaw.com]
Sent: Monday, May 05, 2003 5:15 PM
To: maria@patentbar.com
Subject: FW: Thank you for your help yesterday - Maria Eliseeva again



Your_Dig.pdf (129 KB)



declarat.pdf (182 KB)

<<Your_Dig.pdf>> <<declarat.pdf>>

-----Original Message-----

From: Eliseeva, Maria M.
To: 'rob@rhodeflux.com'
Sent: 4/2/2003 4:03 PM
Subject: FW: Thank you for your help yesterday - Maria Eliseeva again

Dear Rob,

I guess I have to start with an apology that I am bothering you again. I *really* wish I didn't have to "reappear" with the same patent application that I hoped would be all done back in November. I know you don't have to deal with me again, but I would be very grateful if you do.

Let me tell you why I am contacting you again. Back in November, when we dealt with the formal papers for the patent application where you are one of the inventors, a declaration had to be signed by all inventors. You signed it back then, thanks again for that. Other inventors also signed, I shipped the papers to the Patent Office and it seems to be all fine. It turned out that the declaration you signed omitted the very last page, it just got cut off, it was an oversight. The last page should have had the names of your co-inventors. The Patent Office requires me to resubmit the same declaration you already signed, but listing all your co-inventors in addition to your name. There is a rule about this thing, and the fact that the last page of what I sent to you in November got cut off made this problem jump at me now. I can't avoid doing what the Patent Office wants me to do, and I am very sorry I have to bother you again with the same document you have already signed for me. It is now my problem and nobody else's, and I will appreciate a lot if you could simply resign the declaration. There is no trick or anything in what I am telling you here. It is simply that the Patent Office puts me in a pickle because the names of your 3 coinventors were cut off in the declaration you signed in November, that's all.

I am attaching to this e-mail the document you kindly signed for me in November, so that you can see what it was. I also attach to this e-mail the same declaration, but listing you *and* your co-inventors. It is the same document, as you can see. PLEASE, sign it and send it back to ASAP. My fax number is below. If it is more convenient for you to scan in the signed document and e-mail it back to me, that will be just fine. I will appreciate it greatly, for it is really me who needs to correct the problem now.

Thanks in advance and kindest wishes.

Maria Eliseeva
Brown Rudnick Berlack Israels LLP
One Financial Center
Boston, MA 02111 USA
phone: 617-856-8340
fax: 617-856-8201
mobile: 617-794-0999
www.patentbar.com

-----Original Message-----

From: Robert G Schinazi, Ph.D. [mailto:rob@rhodeflux.com]
Sent: Tuesday, November 19, 2002 2:38 PM
To: Eliseeva, Maria M.
Subject: RE: Thank you for your help yesterday

Hi Maria,

No problem. That was kind of crazy. It felt like I was channeling grad school trying to get all those signatures for my thesis.

Part of the agreement that I made with Darryl for signing off on the patents was a list of people within Shipley that could use my services. Unfortunately, I don't think Darryl understands the nature of the services that my company provides. I'll be sending Darryl a similar letter to help clarify and all his help to date has been much appreciated.

My company solves nasty engineering/Quality/Testing problems. We get work when a director goes into a meeting with the VP's and discusses some program that is having trouble. The VP says call up Rhode Flux cause they do that kind of work. This is the only way we have ever gotten contracts.

Because of this it is very important that we distribute our name to the VPs usually of quality assurance, automation, and engineering. I am hoping

that I could be put in touch with those folks in your company so that they would have my card on file in case they need some help.

The type of communication required is limited to a brochure, a business card, and possibly a phone call. Email is probably better in this day and age. Generally, I don't hear from these people for quite some time. We

just wait until there is a real nasty problem and all other options have been exhausted. Since the type of technical problems we work on are few and far between, the more contacts I can get, the better the odds.

Good luck with all the patents. Hope to hear from you soon.

Rob

-----Original Message-----

From: Eliseeva, Maria M. [SMTP:meliseeva@brbilaw.com]
Sent: Tuesday, November 19, 2002 7:43 AM
To: 'rob@rhodeflux.com'
Cc: 'DFrickey@Shipley.com'
Subject: Thank you for your help yesterday

Hi, Rob,

Thank you very much for your help with formal documents yesterday, I appreciate your time and the fact that you were on the road and had to find a fax machine and the like.

Thanks and best wishes,

Maria Eliseeva
Brown Rudnick Berlack Israels
One Financial Center
Boston, MA 02111 USA
phone: 617-856-8340
fax: 617-856-8201
mobile: 617-794-0999
www.patentbar.com

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Message

Page 1 of 1

Celeste, Deborah L.

From: Celeste, Deborah L.
Sent: Monday, February 03, 2003 2:34 PM
To: 'rob@rhodelflux.com'
Cc: 'JBaskin@shipley.com'; Eliseeva, Maria M.
Subject: Patent Application FIBER ARRAY WITH V-GROOVE CHIP AND MOUNT

Tracking: Recipient Delivery
 'rob@rhodelflux.com'
 'JBaskin@shipley.com'
 Eliseeva, Maria M. Delivered: 2/3/2003 2:34 PM

Dear Mr. Schinazi:

This is a follow-up to my e-mail to you dated January 27, 2003 in which a Declaration was forwarded to you for signature. The filing deadline is **February 4, 2003**. We would appreciate it if you would return to us by facsimile 617-856-8201 the executed Declaration as soon as possible. Thank you.

Deborah Celeste
Legal Executive Assistant
Brown Rudnick Berlack Israels, LLP
One Financial Center
Boston, MA 02111
617-856-8342
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2/3/2003

Celeste, Deborah L.

From: Celeste, Deborah L.
Sent: Monday, January 27, 2003 1:01 PM
To: 'rob@rhodeflux.com'
Cc: 'JBaskin@shipley.com'; Eliseeva, Maria M.
Subject: Patent Application FIBER ARRAY WITH V-GROVE CHIP AND MOUNT

Tracking: Recipient Delivery
 'rob@rhodeflux.com'
 'JBaskin@shipley.com'
 Eliseeva, Maria M. Delivered: 1/27/2003 1:01 PM

Dear Mr. Schinazi:

I am Maria Eliseeva's legal assistant. Attached to this e-mail is a Declaration which you had previously signed in response to an e-mail sent to you on November 18th. Maria spoke with you in November regarding the same Declaration. Some of the pages were inadvertently cut off when it was forwarded to you back in November. The Patent Office is not accepting the signed Declaration as it appears to state that it is listing you as a sole inventor. I very much apologize for this. We would appreciate it if you would kindly sign it once again and fax it to us at your earliest convenience. Our fax number is 617-856-8201. We have a deadline of February 4th for refiling the Declaration with the U.S. Patent and Trademark Office.

Thank you for your cooperation. Please call Maria at 617-856-8340 if you have any questions.

Deborah Celeste
Legal Executive Assistant
Brown Rudnick Berlack Israels, LLP
One Financial Center
Boston, MA 02111
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1/27/2003

Celeste, Deborah L.

From: Eliseeva, Maria M.
Sent: Monday, November 18, 2002 2:53 PM
To: 'rob@rhodefux.com'
Cc: DFrickey@shipley.com; Celeste, Deborah L.; 'JBaskin@shipley.com'
Subject: Patent Application FIBER ARRAY WITH V-GROOVE CHIP AND MOUNT



23091/8_.pdf (867 KB) declarat.pdf (134 KB) assignme.pdf (102 KB)

Hi, Rob,

Darryl Frickey has kindly forwarded me your contact e-mail and phone/fax. Thank you for your help with this application, I appreciate your time.

I attach to this e-mail a copy of the application, an inventor's declaration for your signature and an assignment form. Please review the application and sign and date both forms. Our deadline for submitting the inventor's declaration is TODAY, so please send the signed and dated declaration back to me at 617-856-8201. If you can scan in and send it back as an attachment by e-mail, that will work fine as well. Please mail me the originals of the signed declaration and the assignment by regular mail.

Please contact me if you have any questions, I will be glad to answer them.

Thanks and best wishes,

Maria Eliseeva
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